

IN RE: LEVAQUIN LITIGATION

FILED

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Carol E. Higbee, P.J.Cv.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY

CASE NO. 286

CASE MANAGEMENT ORDER NO. 12

THIS MATTER, having come before the Court for a Telephonic Case Management Conference in the presence of liaison counsel for the defendants (Susan Sharko, Drinker Biddle & Reath, LLP) and liaison counsel for the plaintiffs (Richard Meadow of the The Lanier Law Firm), on October 19, 2010, and for good cause shown:

IT IS on this 15 day of Nov October, 2010, **ORDERED** as follows:

1. For current and former employees who are to be deposed on or before November 15, 2010, Defendants shall produce the employees' human resources personnel and manager files as soon as possible in advance of the deposition. For current and former employees who are to be deposed after November 15, Defendants shall produce the employees' human resources personnel and manager files seven days before the deposition unless otherwise agreed by counsel
2. For depositions of employees scheduled to take place before November 1, 2010, Defendants shall produce the employees' manager files, if any, by December 1, 2010;
3. For case specific detail representatives and district managers, the manager files shall be produced for the five year period going back from the date of the prescription at issue. For all other employees, the manager files shall be produced for the preceding five years, or for the five years preceding the date of last employment if no longer employed. To the extent that this requires production of manager files before 2005, defendants shall produce those files by November 15 for the case specific detail representatives and district managers who have been deposed before November 15.

4. The following information shall be produced in these files: all information regarding the employee's compensation and employment, information pertaining to the employee's job performance including but not limited to evaluations, performance reviews, job changes, promotions, demotions, awards, responsibilities within the Company, dates of hire and separation, letters of commendation, letters from physicians, sales figures and market share information for Levaquin® only;

5. Defendants may redact the following information from the employees' human resources personnel and supervisor files:

a. all personal identifying information including but not limited to address, phone number, credit cards, driver's license, social security numbers, information regarding the employees' beneficiaries, health or family and anything personal which is not job related;

b. the names of medications or products other than Levaquin®;

c. sales and prescription data relating to medications or products other than Levaquin®; and

6. Defendants shall provide Plaintiffs with a log of any documents that have been withheld from production in their entirety from the human resources and supervisor files on the grounds of privilege.


HON. CAROL E. HIGBEE, J.S.C.